

COMMITTEE ON ENERGY AND COMMERCE  
107<sup>TH</sup> CONGRESS

**A RESOLUTION**

Offered by MR. BILIRAKIS

*Be it resolved by the Committee on Energy and Commerce*, that the Rules of the Committee on Commerce of the One Hundred Sixth Congress are adopted as the Rules of the Committee on Energy and Commerce of the One Hundred Seventh Congress, as follows:

1           Rule 1. **General Provisions.** (a) *Rules of the Committee.*

2   The Rules of the House are the rules of the Committee on  
3   Energy and Commerce (hereinafter the “Committee”) and its  
4   subcommittees so far as is applicable, except that a motion to  
5   recess from day to day, and a motion to dispense with the first  
6   reading (in full) of a bill or resolution, if printed copies are  
7   available, are nondebatable and privileged in the Committee and  
8   its subcommittees.

9           (b) *Rules of the Subcommittees.* Each subcommittee of the  
10   Committee is part of the Committee and is subject to the

1 authority and direction of the Committee and to its rules so  
2 far as applicable. Written rules adopted by the Committee,  
3 not inconsistent with the Rules of the House, shall be binding  
4 on each subcommittee of the Committee.

5 **Rule 2. Time and Place of Meetings.** (a) *Regular Meeting*  
6 *Days.* The Committee shall meet on the fourth Tuesday of each  
7 month at 10 a.m., for the consideration of bills, resolutions, and  
8 other business, if the House is in session on that day. If the  
9 House is not in session on that day and the Committee has not  
10 met during such month, the Committee shall meet at the earliest  
11 practicable opportunity when the House is again in session. The  
12 chairman of the Committee may, at his discretion, cancel, delay,  
13 or defer any meeting required under this section, after consulta-  
14 tion with the ranking minority member.

15 (b) *Additional Meetings.* The chairman may call and  
16 convene, as he considers necessary, additional meetings of  
17 the Committee for the consideration of any bill or resolution  
18 pending before the Committee or for the conduct of other

1 Committee business. The Committee shall meet for such  
2 purposes pursuant to that call of the chairman.

3 (c) *Vice Chairmen; Presiding Member.* The chairman shall  
4 designate a member of the majority party to serve as vice  
5 chairman of the Committee, and shall designate a majority  
6 member of each subcommittee to serve as vice chairman of  
7 each subcommittee. The vice chairman of the Committee or  
8 subcommittee, as the case may be, shall preside at any  
9 meeting or hearing during the temporary absence of the  
10 chairman. If the chairman and vice chairman of the Commit-  
11 tee or subcommittee are not present at any meeting or  
12 hearing, the ranking member of the majority party who is  
13 present shall preside at the meeting or hearing.

14 (d) *Open Meetings and Hearings.* Except as provided by  
15 the Rules of the House, each meeting of the Committee or  
16 any of its subcommittees for the transaction of business,  
17 including the markup of legislation, and each hearing, shall  
18 be open to the public including to radio, television and still

1       photography coverage, consistent with the provisions of Rule  
2       XI of the Rules of the House.

3       **Rule 3. Agenda.** The agenda for each Committee or subcom-  
4       mittee meeting (other than a hearing), setting out the date, time,  
5       place, and all items of business to be considered, shall be  
6       provided to each member of the Committee at least 36 hours in  
7       advance of such meeting.

8       **Rule 4. Procedure.** (a)(1) *Hearings.* The date, time, place,  
9       and subject matter of any hearing of the Committee or any of its  
10      subcommittees shall be announced at least one week in advance  
11      of the commencement of such hearing, unless the Committee or  
12      subcommittee determines in accordance with clause 2(g)(3) of  
13      Rule XI of the Rules of the House that there is good cause to  
14      begin the hearing sooner.

15               (2)(A) *Meetings.* The date, time, place, and subject  
16      matter of any meeting (other than a hearing) scheduled on  
17      a Tuesday, Wednesday, or Thursday when the House will  
18      be in session, shall be announced at least 36 hours (exclu-

1       sive of Saturdays, Sundays, and legal holidays except  
2       when the House is in session on such days) in advance of  
3       the commencement of such meeting.

4               (B) *Other Meetings*. The date, time, place, and  
5       subject matter of a meeting (other than a hearing or a  
6       meeting to which subparagraph (A) applies) shall be  
7       announced at least 72 hours in advance of the com-  
8       mencement of such meeting.

9               (b)(1) *Requirements for Testimony*. Each witness who is  
10      to appear before the Committee or a subcommittee shall file  
11      with the clerk of the Committee, at least two working days in  
12      advance of his or her appearance, sufficient copies, as  
13      determined by the chairman of the Committee or a subcom-  
14      mittee, of a written statement of his or her proposed testi-  
15      mony to provide to members and staff of the Committee or  
16      subcommittee, the news media, and the general public. Each  
17      witness shall, to the greatest extent practicable, also provide  
18      a copy of such written testimony in an electronic format

1 prescribed by the chairman. Each witness shall limit his or  
2 her oral presentation to a brief summary of the argument.  
3 The chairman of the Committee or of a subcommittee, or the  
4 presiding member, may waive the requirements of this  
5 paragraph or any part thereof.

6 (2) *Additional Requirements for Testimony.* To the  
7 greatest extent practicable, the written testimony of each  
8 witness appearing in a non-governmental capacity shall  
9 include a curriculum vitae and a disclosure of the amount  
10 and source (by agency and program) of any federal grant  
11 (or subgrant thereof) or contract (or subcontract thereof)  
12 received during the current fiscal year or either of the two  
13 preceding fiscal years by the witness or by an entity  
14 represented by the witness.

15 (c) *Questioning Witnesses.* The right to interrogate the  
16 witnesses before the Committee or any of its subcommittees  
17 shall alternate between majority and minority members. Each  
18 member shall be limited to 5 minutes in the interrogation of

1 witnesses until such time as each member who so desires has  
2 had an opportunity to question witnesses. No member shall  
3 be recognized for a second period of 5 minutes to interrogate  
4 a witness until each member of the Committee present has  
5 been recognized once for that purpose. While the Committee  
6 or subcommittee is operating under the 5-minute rule for the  
7 interrogation of witnesses, the chairman shall recognize in  
8 order of appearance members who were not present when the  
9 meeting was called to order after all members who were  
10 present when the meeting was called to order have been  
11 recognized in the order of seniority on the Committee or  
12 subcommittee, as the case may be.

13 (d) *Explanation of Subcommittee Action.* No bill, recom-  
14 mendation, or other matter reported by a subcommittee shall  
15 be considered by the full Committee unless the text of the  
16 matter reported, together with an explanation, has been  
17 available to members of the Committee for at least 36 hours.  
18 Such explanation shall include a summary of the major

1 provisions of the legislation, an explanation of the relation-  
2 ship of the matter to present law, and a summary of the need  
3 for the legislation. All subcommittee actions shall be reported  
4 promptly by the clerk of the Committee to all members of the  
5 Committee.

6 (e) *Opening Statements.* Opening statements by members  
7 at the beginning of any hearing or markup of the Committee  
8 or any of its subcommittees shall be limited to 5 minutes each  
9 for the chairman and ranking minority member (or their  
10 respective designee) of the Committee or subcommittee, as  
11 applicable, and 3 minutes each for all other members.

12 **Rule 5. Waiver of Agenda, Notice, and Layover Require-**  
13 **ments.** Requirements of rules 3, 4(a)(2), and 4(d) may be  
14 waived by a majority of those present and voting (a majority  
15 being present) of the Committee or subcommittee, as the case  
16 may be.

17 **Rule 6. Quorum.** Testimony may be taken and evidence  
18 received at any hearing at which there are present not fewer than



1 two members of the Committee or subcommittee in question. A  
2 majority of the members of the Committee shall constitute a  
3 quorum for the purposes of reporting any measure or matter, of  
4 authorizing a subpoena, or of closing a meeting or hearing  
5 pursuant to clause 2(g) of Rule XI of the Rules of the House  
6 (except as provided in clause 2(g)(2)(A) and (B)). For the  
7 purposes of taking any action other than those specified in the  
8 preceding sentence, one-third of the members of the Committee  
9 or subcommittee shall constitute a quorum.

10 **Rule 7. Official Committee Records.** (a)(1) *Journal.* The  
11 proceedings of the Committee shall be recorded in a journal  
12 which shall, among other things, show those present at each  
13 meeting, and include a record of the vote on any question on  
14 which a record vote is demanded and a description of the  
15 amendment, motion, order, or other proposition voted. A copy  
16 of the journal shall be furnished to the ranking minority member.

17 (2) *Record Votes.* A record vote may be demanded by  
18 one-fifth of the members present or, in the apparent

1       absence of a quorum, by any one member. No demand for  
2       a record vote shall be made or obtained except for the  
3       purpose of procuring a record vote or in the apparent  
4       absence of a quorum. The result of each record vote in  
5       any meeting of the Committee shall be made available in  
6       the Committee office for inspection by the public, as  
7       provided in Rule XI, clause 2(e) of the Rules of the  
8       House.

9       (b) *Archived Records*. The records of the Committee at the  
10      National Archives and Records Administration shall be made  
11      available for public use in accordance with Rule VII of the  
12      Rules of the House. The chairman shall notify the ranking  
13      minority member of any decision, pursuant to clause 3 (b)(3)  
14      or clause 4 (b) of the Rule, to withhold a record otherwise  
15      available, and the matter shall be presented to the Committee  
16      for a determination on the written request of any member of  
17      the Committee. The chairman shall consult with the ranking  
18      minority member on any communication from the Archivist

1 of the United States or the Clerk of the House concerning the  
2 disposition of noncurrent records pursuant to clause 3(b) of  
3 the Rule.

4 Rule 8. **Subcommittees.** There shall be such standing  
5 subcommittees with such jurisdiction and size as determined by  
6 the majority party caucus of the Committee. The jurisdiction,  
7 number, and size of the subcommittees shall be determined by  
8 the majority party caucus prior to the start of the process for  
9 establishing subcommittee chairmanships and assignments.

10 Rule 9. **Powers and Duties of Subcommittees.** Each  
11 subcommittee is authorized to meet, hold hearings, receive  
12 testimony, mark up legislation, and report to the Committee on  
13 all matters referred to it. Subcommittee chairmen shall set  
14 hearing and meeting dates only with the approval of the chair-  
15 man of the Committee with a view toward assuring the availabil-  
16 ity of meeting rooms and avoiding simultaneous scheduling of  
17 Committee and subcommittee meetings or hearings whenever  
18 possible.

1       **Rule 10. Reference of Legislation and Other Matters.** All  
2       legislation and other matters referred to the Committee shall be  
3       referred to the subcommittee of appropriate jurisdiction within  
4       two weeks of the date of receipt by the Committee unless action  
5       is taken by the full committee within those two weeks, or by  
6       majority vote of the members of the Committee, consideration  
7       is to be by the full Committee. In the case of legislation or other  
8       matter within the jurisdiction of more than one subcommittee,  
9       the chairman of the Committee may, in his discretion, refer the  
10      matter simultaneously to two or more subcommittees for  
11      concurrent consideration, or may designate a subcommittee of  
12      primary jurisdiction and also refer the matter to one or more  
13      additional subcommittees for consideration in sequence (subject  
14      to appropriate time limitations), either on its initial referral or  
15      after the matter has been reported by the subcommittee of  
16      primary jurisdiction. Such authority shall include the authority  
17      to refer such legislation or matter to an *ad hoc* subcommittee  
18      appointed by the chairman, with the approval of the Committee,

1 from the members of the subcommittee having legislative or  
2 oversight jurisdiction.

3     **Rule 11. Ratio of Subcommittees.** The majority caucus of  
4 the Committee shall determine an appropriate ratio of majority  
5 to minority party members for each subcommittee and the  
6 chairman shall negotiate that ratio with the minority party,  
7 provided that the ratio of party members on each subcommittee  
8 shall be no less favorable to the majority than that of the full  
9 Committee, nor shall such ratio provide for a majority of less  
10 than two majority members.

11     **Rule 12. Subcommittee Membership.** (a) *Selection of*  
12 *Subcommittee Members.* Prior to any organizational meeting held  
13 by the Committee, the majority and minority caucuses shall  
14 select their respective members of the standing subcommittees.

15     (b) *Ex Officio Members.* The chairman and ranking  
16 minority member of the Committee shall be *ex officio*  
17 members with voting privileges of each subcommittee of

1       which they are not assigned as members and may be counted  
2       for purposes of establishing a quorum in such subcommittees.

3       **Rule 13. Managing Legislation on the House Floor.** The  
4       chairman, in his discretion, shall designate which member shall  
5       manage legislation reported by the Committee to the House.

6       **Rule 14. Committee Professional and Clerical Staff**  
7       **Appointments.** (a) *Delegation of Staff.* Whenever the chairman  
8       of the Committee determines that any professional staff member  
9       appointed pursuant to the provisions of clause 9 of Rule X of the  
10      House of Representatives, who is assigned to such chairman and  
11      not to the ranking minority member, by reason of such profes-  
12      sional staff member's expertise or qualifications will be of  
13      assistance to one or more subcommittees in carrying out their  
14      assigned responsibilities, he may delegate such member to such  
15      subcommittees for such purpose. A delegation of a member of  
16      the professional staff pursuant to this subsection shall be made  
17      after consultation with subcommittee chairmen and with the  
18      approval of the subcommittee chairman or chairmen involved.

1       (b) *Minority Professional Staff*. Professional staff members  
2       appointed pursuant to clause 9 of Rule X of the House of  
3       Representatives, who are assigned to the ranking minority  
4       member of the Committee and not to the chairman of the  
5       Committee, shall be assigned to such Committee business as  
6       the minority party members of the Committee consider  
7       advisable.

8       (c) *Additional Staff Appointments*. In addition to the  
9       professional staff appointed pursuant to clause 9 of Rule X of  
10      the House of Representatives, the chairman of the Committee  
11      shall be entitled to make such appointments to the profes-  
12      sional and clerical staff of the Committee as may be provided  
13      within the budget approved for such purposes by the Commit-  
14      tee. Such appointee shall be assigned to such business of the  
15      full Committee as the chairman of the Committee considers  
16      advisable.

17      (d) *Sufficient Staff*. The chairman shall ensure that  
18      sufficient staff is made available to each subcommittee to

1 carry out its responsibilities under the rules of the Commit-  
2 tee.

3 (e) *Fair Treatment of Minority Members in Appointment*  
4 *of Committee Staff.* The chairman shall ensure that the  
5 minority members of the Committee are treated fairly in  
6 appointment of Committee staff.

7 (f) *Contracts for Temporary or Intermittent Services.* Any  
8 contract for the temporary services or intermittent service of  
9 individual consultants or organizations to make studies or  
10 advise the Committee or its subcommittees with respect to  
11 any matter within their jurisdiction shall be deemed to have  
12 been approved by a majority of the members of the Commit-  
13 tee if approved by the chairman and ranking minority  
14 member of the Committee. Such approval shall not be  
15 deemed to have been given if at least one-third of the  
16 members of the Committee request in writing that the  
17 Committee formally act on such a contract, if the request is  
18 made within 10 days after the latest date on which such



1 chairman or chairmen, and such ranking minority member or  
2 members, approve such contract.

3 **Rule 15. Supervision, Duties of Staff.** (a) *Supervision of*  
4 *Majority Staff.* The professional and clerical staff of the Commit-  
5 tee not assigned to the minority shall be under the supervision  
6 and direction of the chairman who, in consultation with the  
7 chairmen of the subcommittees, shall establish and assign the  
8 duties and responsibilities of such staff members and delegate  
9 such authority as he determines appropriate.

10 (b) *Supervision of Minority Staff.* The professional and  
11 clerical staff assigned to the minority shall be under the  
12 supervision and direction of the minority members of the  
13 Committee, who may delegate such authority as they deter-  
14 mine appropriate.

15 **Rule 16. Committee Budget.** (a) *Preparation of Committee*  
16 *Budget.* The chairman of the Committee, after consultation with  
17 the ranking minority member of the Committee and the chairmen  
18 of the subcommittees, shall for the 107th Congress prepare a

1 preliminary budget for the Committee, with such budget  
2 including necessary amounts for professional and clerical staff,  
3 travel, investigations, equipment and miscellaneous expenses of  
4 the Committee and the subcommittees, and which shall be  
5 adequate to fully discharge the Committee's responsibilities for  
6 legislation and oversight. Such budget shall be presented by the  
7 chairman to the majority party caucus of the Committee and  
8 thereafter to the full Committee for its approval.

9       (b) *Approval of the Committee Budget.* The chairman shall  
10 take whatever action is necessary to have the budget as finally  
11 approved by the Committee duly authorized by the House.  
12 No proposed Committee budget may be submitted to the  
13 Committee on House Administration unless it has been  
14 presented to and approved by the majority party caucus and  
15 thereafter by the full Committee. The chairman of the  
16 Committee may authorize all necessary expenses in accor-  
17 dance with these rules and within the limits of the Commit-  
18 tee's budget as approved by the House.

1           (c) *Monthly Expenditures Report*. Committee members  
2       shall be furnished a copy of each monthly report, prepared by  
3       the chairman for the Committee on House Administration,  
4       which shows expenditures made during the reporting period  
5       and cumulative for the year by the Committee and subcom-  
6       mittees, anticipated expenditures for the projected Committee  
7       program, and detailed information on travel.

8       **Rule 17. Broadcasting of Committee Hearings.** Any  
9       meeting or hearing that is open to the public may be covered in  
10      whole or in part by radio or television or still photography,  
11      subject to the requirements of clause 4 of Rule XI of the Rules  
12      of the House. The coverage of any hearing or other proceeding  
13      of the Committee or any subcommittee thereof by television,  
14      radio, or still photography shall be under the direct supervision  
15      of the chairman of the Committee, the subcommittee chairman,  
16      or other member of the Committee presiding at such hearing or  
17      other proceeding and may be terminated by such member in  
18      accordance with the Rules of the House.

1       **Rule 18. Comptroller General Audits.** The chairman of the  
2       Committee is authorized to request verification examinations by  
3       the Comptroller General of the United States pursuant to Title V,  
4       Part A of the Energy Policy and Conservation Act (Public Law  
5       94-163), after consultation with the members of the Committee.

6       **Rule 19. Subpoenas.** The Committee, or any subcommittee,  
7       may authorize and issue a subpoena under clause 2(m)(2)(A) of  
8       Rule XI of the House, if authorized by a majority of the  
9       members of the Committee or subcommittee (as the case may  
10      be) voting, a quorum being present. Authorized subpoenas may  
11      be issued over the signature of the chairman of the Committee  
12      or any member designated by the Committee, and may be served  
13      by any person designated by such chairman or member. The  
14      chairman of the Committee may authorize and issue subpoenas  
15      under such clause during any period for which the House has  
16      adjourned for a period in excess of 3 days when, in the opinion  
17      of the chairman, authorization and issuance of the subpoena is  
18      necessary to obtain the material set forth in the subpoena. The

1 chairman shall report to the members of the Committee on the  
2 authorization and issuance of a subpoena during the recess  
3 period as soon as practicable but in no event later than one week  
4 after service of such subpoena.

5     **Rule 20. Travel of Members and Staff.** (a) *Approval of*  
6 *Travel.* Consistent with the primary expense resolution and such  
7 additional expense resolutions as may have been approved, travel  
8 to be reimbursed from funds set aside for the Committee for any  
9 member or any staff member shall be paid only upon the prior  
10 authorization of the chairman. Travel may be authorized by the  
11 chairman for any member and any staff member in connection  
12 with the attendance of hearings conducted by the Committee or  
13 any subcommittee thereof and meetings, conferences, and  
14 investigations which involve activities or subject matter under  
15 the general jurisdiction of the Committee. Before such authoriza-  
16 tion is given there shall be submitted to the chairman in writing  
17 the following: (1) the purpose of the travel; (2) the dates during  
18 which the travel is to be made and the date or dates of the event

1 for which the travel is being made; (3) the location of the event  
2 for which the travel is to be made; and (4) the names of mem-  
3 bers and staff seeking authorization.

4 (b) *Approval of Travel by Minority Members and Staff.* In  
5 the case of travel by minority party members and minority  
6 party professional staff for the purpose set out in (a), the  
7 prior approval, not only of the chairman but also of the  
8 ranking minority member, shall be required. Such prior  
9 authorization shall be given by the chairman only upon the  
10 representation by the ranking minority member in writing  
11 setting forth those items enumerated in (1), (2), (3), and (4)  
12 of paragraph (a).